

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA and the
COMMONWEALTH OF MASSACHUSETTS,

Plaintiffs, ex rel.

LISA WOLLMAN, M.D.,

Plaintiff-Relator,

v.

THE GENERAL HOSPITAL CORPORATION
(d/b/a the Massachusetts General Hospital), THE
MASSACHUSETTS GENERAL HOSPITAL'S
PHYSICIAN'S ORGANIZATION and
PARTNERS HEALTHCARE SYSTEM, INC.,
Defendants.

Civil Action No. 15-11890-ADB

DEFENDANTS' MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), The General Hospital Corporation, The Massachusetts General Hospital Physician's Organization, and Partner's Healthcare System, Inc. ("Defendants") hereby move the Court to dismiss the Plaintiff-Relator's ("Relator") complaint. Relator's amended complaint fails to state claims under the False Claims Act, 31 U.S.C. § 3729 *et seq.*, and Massachusetts False Claims Act, M.G.L. c.12 § 5B *et seq.*, because it (i) fails to satisfy the requirements of Fed. R. Civ. P. 9(b), which requires that False Claims Act allegations be pled "with particularity"; (ii) fails plausibly to allege that MGH violated any relevant billing rule, or that any purported violation was material; and (iii) fails plausibly to allege that MGH acted with the requisite scienter.

In further support of its motion, Defendants rely upon their Memorandum of Law in Support of Motion to Dismiss, filed herewith.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Defendants respectfully request oral argument on their motion to dismiss.

Respectfully submitted for Defendants,

/s/ Martin F. Murphy

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August 14, 2017

Dated: August 14, 2017

LOCAL RULE 7.1(a)(2) CERTIFICATION

I, Martin F. Murphy, counsel for Defendants, certify pursuant to L.R. 7.1(a)(2) that on August 9, 2017, I conferred by telephone with counsel for Lisa Wollman, M.D., in a good faith attempt to narrow or resolve the issues raised in this motion to dismiss and that the parties could not agree on such a resolution.

/s/ Martin F. Murphy

Martin F. Murphy

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as unregistered participants on August 14, 2017.

/s/ Martin F. Murphy

Martin F. Murphy